

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROYANN L. SCHMIDGALL,

Defendant.

4:12-CR-3047

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Issuance of Preliminary Order of Forfeiture (filing [33](#)).

The indictment in this case (filing [1](#)) charged the defendant with 15 counts of wire fraud, in violation of [18 U.S.C. § 1343](#), and contained a forfeiture allegation seeking forfeiture of "any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses." Filing [1](#) at 4. The property to be forfeited included, but was not limited to:

- (a) 2004 Dodge Durango VIN ID4HB58D74F2398301997
- (b) 2004 Volkswagen New Beetle VIN 3VWCM31Y54M321393
- (c) Holiday Rambler Motor Home VIN 3FCMF53G4VJA18190
- (d) \$229,930.15 contained in Account #177-71347-17 at Morgan Stanley Smith Barney

Filing [1](#) at 4. The plaintiff represents that Morgan Stanley Smith Barney stands ready to deliver the funds held in the above-referenced account to the United States Secret Service. Filing [33](#).

The defendant has pled guilty to Count 15 of the indictment, and admitted the forfeiture allegation as to the property listed above. See filing [29](#) at 1. By virtue of pleading guilty to the charge and admitting the forfeiture allegation, the defendant has forfeited her interest in the property, and the plaintiff should be entitled to possession of the property pursuant to [18 U.S.C. § 981\(a\)\(1\)\(C\)](#) and [28 U.S.C. § 2461\(c\)](#). Therefore, the plaintiff's motion for a preliminary order of forfeiture (filing [33](#)) is granted.

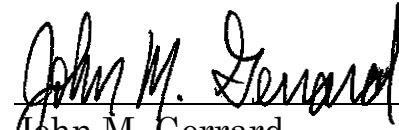
IT IS ORDERED:

1. The plaintiff's Motion for Issuance of Preliminary Order of Forfeiture (filing [33](#)) is granted.
2. The United States Secret Service is authorized to seize the following property:
 - (a) 2004 Dodge Durango VIN
ID4HB58D74F2398301997
 - (b) 2004 Volkswagen New Beetle VIN
3VWCM31Y54M321393
 - (c) Holiday Rambler Motor Home VIN
3FCMF53G4VJA18190
 - (d) \$229,930.15 contained in Account #177-71347-
17 at Morgan Stanley Smith Barney
3. Morgan Stanley Smith Barney shall deliver the funds held in Account #177-71347-17 to the United States Secret Service.
4. The defendant's interest in the property is forfeited to the plaintiff for disposition in accordance with the law, subject to the provisions of [21 U.S.C. § 853\(n\)](#).
5. The property is to be held by the United States Secret Service in its secure custody and control.
6. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the plaintiff shall publish for at least 30 consecutive days on an official internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject property must file a petition with the Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.

7. Such published notice shall state that the petition referred to in paragraph 6, above, shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the property and any additional facts supporting the petitioner's claim and relief sought.
7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, the Court will enter a final order of forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 19th day of April, 2013.

BY THE COURT:



John M. Gerrard
United States District Judge